

Before the
 FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

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JUN 30 1994

In the Matter of:)
)
 Administration of the North)
 American Numbering Plan)

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF SECRETARY
 CC Docket No. 92-237
 Phases One and Two

REPLY COMMENTS OF
TELE-COMMUNICATIONS ASSOCIATION

Tele-Communications Association ("TCA"), by its attorneys, respectfully submits its reply comments regarding the use of "1" as a toll indicator. For the reasons set forth in its opening comments, and as further discussed below, TCA urges the Commission to mandate the use of "1" as a nationwide, uniform indicator for all toll calls.

In its opening comments, TCA explained that preserving the use of "1" as a toll indicator after implementation of interchangeable NPAs would yield significant pro-consumer and pro-competitive benefits. First, TCA showed that the use of "1" minimizes customer dissatisfaction and confusion by informing customers that they are about to make a call for which toll charges will apply.¹ Several other parties confirmed that the use of "1" as a uniform toll indicator will avoid confusion regarding the costs of particular calls.²

¹ TCA at 3.

² See AT&T at 6; MCI at 16; American Petroleum Institute at 3; Ad Hoc Telecommunications Users Committee at 3; Sprint at 11; LCI at 3.

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TCA also pointed out that use of "1" as a toll indicator gives users a simple and inexpensive method of controlling toll fraud. If "1" cannot be used to restrict toll calls, then PBX customers will have to re-program their equipment with (and constantly update) NPA/NXX tables -- a very expensive alternative that, in many cases, would require more memory than particular PBXs possess.³ Once again, TCA's comments in this regard received considerable support from other parties.⁴

In addition, TCA noted that using "1" as a toll indicator will promote competition by alerting consumers of the opportunity to choose an alternative carrier for short-haul toll calls.⁵ Several other commenters agreed, noting that the use of "1" to identify toll calls is pro-competitive and facilitates marketing efforts by alternative carriers in a newly competitive portion of the long distance market.⁶

In contrast to the broad support for uniform use of "1" as a toll indicator, a few parties urged the Commission to allow each state to go its own way. Pacific Bell stated that it is utilizing "the dialing plan recommended by the current

³ TCA at 4.

⁴ See AT&T at 6; American Petroleum Institute at 4-7; Ad Hoc Telecommunications Users Committee at 12; Sprint at 11; LCI at 3.

⁵ TCA at 4.

⁶ See CompTel at 6; Ad Hoc Telecommunications Users Committee at 4, 11; Sprint at 11.

NANP administrator," and that to use 1 as a toll indicator, it would have to institute a 4-second time delay for all calls where a prefix could also be an NPA.⁷ However, no deference is due to Bellcore for allowing LECs to require 7-digit dialing for intra-NPA toll calls. As detailed above, this approach is contrary to the public interest in several respects -- and it is certainly relevant that 43 states have elected to disregard the 7-digit option.⁸

Moreover, Pacific Bell's contention regarding time delay is unsupported by the record. Indeed, as Sprint explained, using "1" as a toll indicator will avoid delay and increase the efficiency of LEC networks:

After implementation of interchangeable NPAs, LEC switches will be unable to distinguish quickly between toll and local calls if the toll indicator is not used - switches would have to be programmed to wait a certain number of seconds to determine whether the caller intends to dial more than 7 digits (and, if a customer placing a 10-digit toll call does not enter the last three digits quickly enough, his call could be mis-routed). This is an inefficient use of switch capacity and increases the amount of time needed to process a call. In contrast, if "1" is used consistently, the LEC

⁷ Pacific Bell at 9. Pacific also argues that using "1" to indicate toll calls is "not in line with the expected future direction of the network" toward increased number portability. *Id.* at 10. This argument is highly speculative and appears to prove too much, suggesting that the longstanding distinction between local and toll calls will be erased in the near future. As long as some calls generate toll-type charges -- whether or not they are formally designated as toll calls -- the need for a toll indicator will remain.

⁸ It is also relevant that the 7-digit "recommendation" produces significant competitive advantages for incumbent local exchange carriers.

switch will immediately recognize that an additional 10 digits are coming and can begin processing the call right away.⁹

Considering that no other party has warned of call processing delay -- and, as noted above, that 43 states will use 1 as a toll indicator -- Pacific Bell's concern cannot be credited.

Finally, some LECs claim that intrastate dialing plans should be left to each individual state in order to "accommodate local conditions and implement local regulatory policies."¹⁰ The Commission, however, possesses plenary jurisdiction over numbering matters.¹¹ Although the Commission traditionally has allowed states to exercise authority over local dialing plans, it should not continue to do so where the public interest benefits of a uniform dialing plan for toll calls are so compelling.¹² Such deference is particularly unwarranted where the opponents of Commission authority have failed to specify the local conditions and

⁹ Sprint at 12-13.

¹⁰ See Ameritech at 6; see also U S West at 12-13 (suggesting that the FCC may lack jurisdiction over intra-NPA dialing plans, but -- commendably, in TCA's view -- noting that all 14 U S West states will use "1" as a toll indicator).

¹¹ See Administration of the North American Numbering Plan, 7 FCC Rcd 6837 (1992).

¹² As several parties pointed out, America is becoming an increasingly mobile society, where individuals and businesses move frequently, often to different states. American Petroleum Institute at 3; Sprint at 1. Consequently, a uniform dialing plan for toll calls is necessary to facilitate use of the national network.

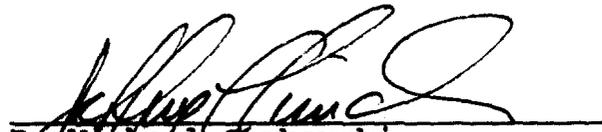
policies that assertedly militate against using "1" as a toll indicator.

For these reasons, the Commission should mandate the use of "1" as an indicator of all toll calls.

Respectfully submitted,

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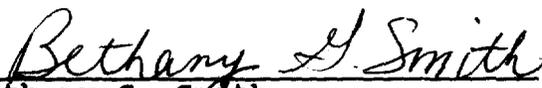
Its Attorneys

June 30, 1994

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of June, 1994, I caused copies of the foregoing "Reply Comments of Tele-Communications Association" to be hand-delivered to the following:

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